

Remarks

The various parts of the Office Action (and other matters, if any) are discussed below under appropriate headings.

Claim Amendments

The claims have been amended to bring them into a more conventional form. In addition, claim 1 has been amended to recite a fixing device for mounting to a bone, the fixing device comprising an operative section that is insertable into the bone, the operative section including at least one guide for at least one securing element, and the guide being a bore and/or recess formed in the operative section.

Claim Rejections - 35 USC § 102

Claims 1-16 as previously presented were rejected as being anticipated by either *Tornier* or *Glossop*. Withdrawal of the art rejections is respectfully requested for at least the following reasons.

Tornier discloses in Fig. 1 a fixator for repairing fractures of the skeleton. The fixator includes a screw 2 having a threaded part 2a for implanting in a bone. The screw 2 includes a spherical head 2b and the threaded part 2a. The threaded part 2a includes a conical core 2c and a sharp edged thread 2d. A support jaw 3 and a locking screw 5 allow a connecting rod 4 to be axially retained to the support jaw 3.¹ As can be seen more clearly in Figs. 2 and 3, the screw 2 is a solid structure, without a guide formed therein. *Tornier* has not been found to teach or suggest a fixing device that includes an operative section that is insertable into the bone, wherein the operative section includes at least one guide, as recited in amended claim 1. Accordingly, *Tornier* does not anticipate amended claim 1, nor is amended claim 1 rendered obvious by *Tornier*.

¹ See column 1, lines 55-67 and Fig. 1 of *Tornier*

Glossop discloses a device for releasably securing objects to bones. According to one embodiment, the device includes a sleeve 14 having serrated teeth 16 for engaging the bone 6. A fastening mechanism 18, via a bone screw 12, is used to bias the sleeve 14 against the bone such that the serrated teeth 16 engage the bone. The bone screw 12 includes a threaded end 22 with a coarse thread for anchoring the bone screw 12 in the bone 6. *The threaded end is inserted directly into and engages the bone.*² As can be seen in Fig. 1 of *Glossop*, the bone screw 12 is a solid screw, without a guide. Thus, the first embodiment of *Glossop* has not been found to teach or suggest a fixing device as recited in amended claim 1.

According to a second embodiment, *Glossop* discloses a pin 54 is used as a rotation restricting member. The pin 54 includes a tip 56 that engages a surface of the bone to restrict rotation of the pin 54. A fastening mechanism 18, via a bone screw 12, is used to bias the pin 54 against the bone.³ The bone screw 12 includes a threaded end 22 with a coarse thread for anchoring the bone screw 12 in the bone 6. The bone screw 12 appears to be the same type of bone screw used in the above-discussed embodiment, i.e., a solid screw without a guide. Thus, the second embodiment of *Glossop* has not been found to teach or suggest a fixing device as recited in amended claim 1.

The remaining embodiments of *Glossop* are derivations of the first embodiment and utilize a solid screw as discussed above. Accordingly, none of the embodiments of *Glossop* have been found to teach or suggest all of the features of amended claim 1. Thus, *Glossop* does not anticipate amended claim 1 nor render obvious amended claim 1.

² See column 4, lines 40-65 and Fig. 1 of *Glossop*

³ See column 7, lines 23-39 and Fig. 3E of *Glossop*

New Claims 22-24

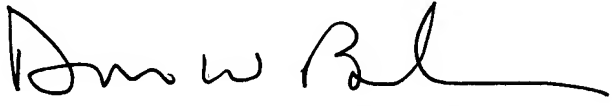
New claims 22-24 are submitted for favorable examination in view of the foregoing comments regarding the applied references.

Conclusion

Request is made for timely issuance of a notice of allowance.

Respectfully submitted,

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